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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/026,836	<b>Applicant(s)</b> BEDINGFIELD, JAMES C.	
	<b>Examiner</b> Jonathan Ouellette	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3, 10-15, 18-40, 42, 44-47 and 51-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 10-15, 18-40, 42, 44-47 and 51-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Request for Continued Examination*

1. The Request filed on 9/30/2005 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/026836 is acceptable and a RCE has been established. An action on the RCE follows.

### *Response to Amendment*

2. Claims 1-2, 4-9, 16-17, 41, 43, and 48-50 have been cancelled, and Claims 69-75 have been added; therefore, Claims 3, 10-15, 18-40, 42, 44-47, and 51-75 are now pending in application 10/026,836.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 3, 10-15, 18-40, 42, 44-47, 51-66, and 69-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (US 2002/0002552 A1) in view of CellPoint ("CellPoint and Webraska Join Forces for New, Live Navigation Services Based on

**GSM Positioning of Cellular Phones,” Business Wire, June 29, 2000), and further in view of Burnett (Us 2002/0087408 A1).**

5. As per **independent Claim 15**, Schultz discloses a system for providing location-based yellow pages information, the system comprising: a server including a processor, a network port coupled to the processor, and a memory coupled to the processor, the memory storing a plurality of instructions configured to be executed by the processor, the plurality of instructions including location-based yellow pages database access instructions; a yellow pages database coupled to the server, and a yellow pages database including a plurality of advertiser entries, wherein the plurality of advertiser entries include at least a set of advertiser entries, each advertiser entry of the set of advertiser entries includes advertiser measured location information (abstract, Para 0016), and each advertiser entry of the set of advertiser entries lacks advertiser location information and includes designated area information (Para 0042), wherein the processor is configured to: receive a request of yellow page information from the user, the request including user location information and a user selected advertiser category identifier (Para 0016-0024, Para 0040-0043, Claim 1), wherein the user measured location information is determined using *one of* information obtained from a telecommunication system and information pre-stored in memory; retrieve one or more advertiser entries from the set of the plurality of advertiser entries based at least in part on, the user selected advertiser category identifier or the user selected advertiser subcategory identifier, forward the retrieved one or more advertise entries for presentation based at least in part on a precise distance between the user's location determined from the user location information and each advertiser determined from the advertiser location information of the

selected one or more advertiser entries (abstract, Para 0039-0044, Fig.2); retrieve one or more advertiser entries from the set of the plurality of advertise entries based at least in part on the user selected advertiser category identifier or the user selected advertiser subcategory identifier (Para 0044 – brand or item); and forward the retrieved one or more advertiser entries from the set for presentation according to estimated distance between the user's location determined from the user location information and each advertiser determined from the advertiser designated area information of the selected one or more advertiser entries (Para 0039-0044, Fig.2), wherein the estimates distance is presented according to a distance identifier selected from the distance selected options (Para 0049, Sorting criteria selected by user – distance, time, etc.).

6. Schultz fails to expressly disclose a second subset of sorted advertiser entries, wherein each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information.
7. However, Schultz discloses searching a GIS-based search engine to create a “yellow page reference” (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (Para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member

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and thereby eliminating its function was an obvious expedient). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

8. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system.
9. However, CellPoint teaches being “automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc.” (“CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones,” Business Wire, June 29, 2000).
10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).
11. Finally, while Schultz does disclose providing the user with distance selection options for presenting distance information as one of the following: absolute distance, shortest travel

distance, distance in time when driving, distance in time when bicycling, and distance in time when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and CellPoint fail to expressly disclose respond to the request, returning a confirmation query to the user, wherein the returned confirmation query confirms the user selected advertiser category, and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation query further allows the user to determine whether to retrieve advertiser entries from the second subset of the plurality of the advertiser entries.

12. Burnett discloses a yellow page type search system, which allows the user to confirm search results and further refine their search (query) (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and Para 0357-0364).
13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included responding to the request, returning a confirmation query to the user, wherein the returned confirmation query confirms the user selected advertiser category and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation message further allows the user to determine whether to retrieve advertiser entries from the second subset of the plurality of the advertiser entries, as disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency/effectiveness of the system by allowing users to narrow their search to find exactly what they're looking for.

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14. As per Claim 3, Schultz, CellPoint, and Burnett disclose wherein each advertiser entry of at least the subset of the plurality of advertiser entries includes additional advertiser data.
15. As per Claim 10, Schultz, CellPoint, and Burnett disclose a voice extensible markup language server coupled to the server.
16. As per Claim 11, Schultz, CellPoint, and Burnett disclose wherein the server includes voice extensible markup language server instructions.
17. As per Claim 12, Schultz, CellPoint, and Burnett disclose wherein the server is configured to communicate with a user computer, the user computer including web graphical user interface instructions and user measured location information.
18. As per Claim 13, Schultz, CellPoint, and Burnett disclose wherein the server is configured to communicate with a wireless communications device, the wireless communications device including microbrowser instructions.
19. As per Claims 14, 21, and 23, Schultz, CellPoint, and Burnett fail to expressly disclose an advanced intelligent network ("AIN") service control point ("SCP") coupled to the server, the AIN SCP coupled to a measured location information database, the AIN SCP configured to receive a phone number location query including a phone number and to send a location response including measured location information associated with the phone number.
20. However, Schultz does disclose providing search results based on any unified geocoding system inputted by the user (para0040), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the user with business measured location information based on a telephone number search, as such correlation databases were



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well known at the time the invention was made, and would simply be a matter of correlating a phone number with business location information instead of a street address.

21. As per Claim 18, Schultz, CellPoint, and Burnett disclose wherein the advertiser measured location information and the user measured location information include longitude and latitude information.
22. As per Claims 19, 20, 38, 39, 45-47, 52, 53, 55, 57, and 61, Schultz, CellPoint, and Burnett disclose wherein the advertiser measured location information and the user measured location information are based at least in part on two-dimensional location information, three dimensional location information, or longitude and latitude information.
23. As per Claim 22, Schultz, CellPoint, and Burnett disclose wherein the server sends the location query to a wireless network.
24. As per Claim 24, Schultz, CellPoint, and Burnett disclose wherein each advertiser entry of the first subset and second subset of the plurality of advertiser entries includes an advertiser category identifier to store one or more advertiser category identifiers; and the server is configured to receive user measured location information and a user advertiser category identifier.
25. As per Claim 25, Schultz, CellPoint, and Burnett disclose wherein the server identifies one or more advertiser entries of the first subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier; the server forwards the identified one or more advertiser entries of the first subset of the plurality of advertiser entries for presentation based at least in part on the user measured location information, and the advertiser measured location information of the identified one or more advertiser entries of the first subset of the

plurality of advertiser entries; the server identifies one or more advertiser entries of the second subset of the plurality of advertiser entries based at least in part on the user advertiser category; and the server forwards the identified one or more advertiser entries of the second subset of the plurality of the advertiser entries for presentation.

26. As per **independent Claims 26 and 44**, Schultz discloses a method (system, computer-readable medium) for providing location-based yellow pages information, the method comprising: storing a plurality of advertiser entries in a yellow pages database, wherein the plurality of advertiser entries include at least a set of advertiser entries, each advertiser entry of the set of advertiser entries includes an advertiser identifier field to store an advertiser identifier, an advertiser category identifier field to store one or more category identifiers, and an advertiser location information field to store advertiser location information (abstract, Para 0016, Claim 1); receiving a request for a yellow page information from a user, the request including user location information and a user selected advertiser category identifier (Para 0016-0024, Para 0040-0043, Claim 1), wherein the user measured location information is determined *using one of* information obtained from a telecommunication system and information pre-stored in memory; retrieving one or more advertiser entries from the second subset of the plurality of advertiser entries from the yellow page database based at least in part on at least one of the user advertiser category identifier and the user advertiser sub-category identifier; if the user determines to retrieve one or more advertiser entries from the set of the plurality of advertiser entries from the yellow page database, retrieving said advertiser entries (abstract); forwarding the retrieved one or more advertiser entries from the set of advertiser entries for presentation based at least in part on the user location information

and the advertiser location information of the selected one or more advertiser entries (abstract, Para 0042-0044, Fig.2) and data including a distance between a user location and an advertiser location presented according to a distance identifier selected from the distance selection options (Para 0049, Sorting criteria selected by user – distance, time, etc.); and forwarding the retrieved one or more advertiser entries from the set of advertiser entries for presentation (abstract, Para 0042-0044, Fig.2).

27. Schultz fails to expressly disclose a second/third subset of advertiser entries, wherein each advertiser entry of the second/third subset of advertiser entries lacks advertiser measured location information and is presented separately.
28. However, Schultz discloses searching a GIS-based search engine to create a “yellow page reference” (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (Para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance] and

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in separate windows, for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

29. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system without user intervention.
30. However, CellPoint teaches being “automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc.” (“CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones,” Business Wire, June 29, 2000).
31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system without user intervention, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).
32. Finally, while Schultz does disclose providing the user with distance selection options for presenting distance information as *one of the following: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking* (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and CellPoint fail to expressly disclose responding to the request, returning a confirmation query

to the user, wherein the returned confirmation query confirms the user selected advertiser category, and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation message further allows the user to determine whether to retrieve advertiser entries from the third subset without advertiser measures location information.

33. Burnett discloses a yellow page type search system, which allows the user to confirm search results and further refine their search (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and Para 0357-0364).

34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included responding to the request, returning a confirmation query to the user, wherein the returned confirmation query confirms the user selected advertiser category and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation message further allows the user to determine whether to retrieve advertiser entries without advertiser measures location information, as disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency/effectiveness of the system by allowing users to narrow their search to find exactly what they're looking for.

35. As per Claim 27, Schultz, CellPoint, and Burnett disclose wherein receiving user measured location information includes receiving user measured location information sent by a communication device selected from the group consisting of a computer, a fixed-location

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telephone, a wireless telephone, a wireless communications device, a wireless communications network, and an advances intelligent network service control point.

36. As per Claim 28, Schultz, CellPoint, and Burnett disclose wherein receiving a user advertiser category identifier includes: sending a user advertiser confirmation query; and receiving a user advertiser confirmation response.
37. As per Claim 29, Schultz, CellPoint, and Burnett disclose wherein sending the user advertiser confirmation query includes sending one or more advertiser subcategories.
38. As per Claim 30, Schultz, CellPoint, and Burnett disclose wherein receiving user measured location information includes sending a cookie based at least in part on the user measured location information to a user computer.
39. As per Claim 31, Schultz, CellPoint, and Burnett disclose wherein forwarding the selected one or more advertiser entries for presentation based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries includes: determining distance data between the user measured location information and the advertiser measured location information of the selected one or more advertise entries; and organizing a listing of the selected one or more advertising entries based at least in part on the determined distance data.
40. As per Claims 32, 33, 36, 37, and 58-60, Schultz, CellPoint, and Burnett disclose organizing a listing includes organizing from a smallest distance to a largest distance, smallest time period to a largest time period, a telephone exchange area and an area code, or a zip code area and a local access and transport area.

41. As per Claim 34, Schultz, CellPoint, and Burnett disclose wherein selecting one or more advertiser entries of the plurality of advertiser entries based at least in part on the user advertiser category identifier includes: selecting one or more advertiser entries of the second subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier; selecting one or more advertising entries of a third subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier.
42. As per Claim 35, Schultz, CellPoint, and Burnett disclose wherein forwarding the selected one or more advertiser entries for presentation based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries includes: organizing a listing of the selected one or more advertising entries of the second subset of the plurality of advertiser entries based at least in part on the user measured location information, and the advertiser measured location information of the selected one or more advertising entries of the second subset of the plurality of advertiser entries; and organizing a listing of the selected one or more advertising entries of the third subset of the plurality of advertiser entries.
43. As per Claims 54 and 56, Schultz, CellPoint, and Burnett disclose wherein the retrieved one or more advertiser entries are listed and organized by the processor to include a first sub-listing of one or more advertiser entries with advertiser measured location information.
44. Schultz, CellPoint, and Burnett fail to disclose a second sub-listing of one or more advertiser entries without advertiser measured location information.
45. However, as explained above for independent Claim 15, Schultz discloses searching a GIS-based search engine to create a “yellow page reference” (abstract), and sorting the identified

results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050).

Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

46. As per **independent Claim 40**, Schultz discloses a method of providing a location-based yellow pages service, the method comprising: operating a yellow pages service, the yellow pages service including a yellow pages database, the yellow pages database including a set of advertiser entries, the set of advertiser including advertiser location information (abstract, Para 0016, Claim 1); receiving a request from a user to present advertiser information corresponding to a user selected advertiser category and a user selected advertiser subcategory (Para 0016-0024, Para 0040-0043, Claim 1); forwarding a list of advertiser information for presentation from the set of advertiser entries including advertiser location information (abstract, Para 0042-0044, Fig.2) and data indicating the distance between a user location and an advertiser location presented according to a distance identifier selected from the distance selection options (Para 0049, Sorting criteria selected by user – distance, time, etc.); and charging the advertisers corresponding to the first set of advertiser entries a fee to include advertiser measured location information in the yellow pages database (Para 0046).
47. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information, and wherein the list of advertiser information from the first set of advertiser entries including advertiser location information is forwarded prior to forwarding a list of



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advertiser information for presentation from the second set of advertiser entries lacking advertiser location information.

48. However, Schultz discloses searching a GIS-based search engine to create a “yellow page reference” (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (Para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

49. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system.

50. However, CellPoint teaches being “automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc.” (“CellPoint and Webraska Join

Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones,”  
Business Wire, June 29, 2000).

51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).
52. Finally, while Schultz does disclose providing the user with distance selection options for presenting distance information as one of the following: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and CellPoint fail to expressly disclose responding to the request, returning a confirmation query to the user, wherein the returned confirmation query confirms the user selected advertiser category and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation query further allows the user to determine whether to retrieve advertiser entries from the second set of advertiser entries.
53. Burnett discloses a yellow page type search system, which allows the user to confirm search results and further refine their search (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and Para 0357-0364).

54. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included responding to the request, returning a confirmation query to the user, wherein the returned confirmation message confirms the user selected advertiser category and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirming message further allows the user to determine whether to retrieve advertiser entries from the second set of advertiser entries, as disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency/effectiveness of the system by allowing users to narrow their search to find exactly what they're looking for.
55. As per **independent Claims 42 and 51**, Schultz discloses a method (medium) of providing a location-based yellow pages service, the method comprising: operating a yellow pages service, the yellow pages service including advertiser's information, the advertiser's information including location information (abstract, Para 0016); receiving a request for yellow page information from a user, the request including user location information and a user selected advertiser category identifier, wherein the user measured location information is determined *using one of* information from a telecommunication system and information pre-stored in a memory; responding to the request, sending a user advertiser confirmation query to the user; wherein sending the user advertiser confirmation query includes sending one or more advertiser subcategories (Fig.2, Para 0041); receiving a user advertiser confirmation response from the user, wherein the user advertiser confirmation response includes a user

selected advertiser subcategory identifier, a distance identifier selected from the distance selection options (Para 0049, Sorting criteria selected by user – distance, time, etc.); upon receiving the user advertiser confirmation response from the user, retrieving one or more first and second advertiser's information from the yellow page database (Para 0016-0024, Para 0040-0043, Claim 1), forwarding the retrieved one or more advertiser's information for presentation in a manner that the advertiser's information are displayed (abstract, Para 0042-0044, Fig.2); and charging the first advertiser an additional fee based at least in part on including measured location information as part of the first advertiser's information (Para 0046).

56. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information, and wherein the list of advertiser information from the first set of advertiser entries including advertiser location information is presented prior to presenting a list of advertiser information from the second set of advertiser entries lacking advertiser location information.

57. However, Schultz discloses searching a GIS-based search engine to create a "yellow page reference" (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (Para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior

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art mobile fluid carrying unit would have been obvious if this feature was not desired.); and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

58. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system.

59. However, CellPoint teaches being “automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc.” (“CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones,” Business Wire, June 29, 2000).

60. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

61. Finally, while Schultz does disclose providing the user with distance selection options for presenting distance information as *one of the following*: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and CellPoint also fail to expressly disclose wherein the confirmation query confirms the user selected advertiser category identifier, allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation query further allows the user to determine whether to retrieve the second advertiser information.
62. Burnett discloses a yellow page type search system, which allows the user to confirm search results and further refine their search (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and Para 0357-0364).
63. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the confirmation query confirms the user selected advertiser category identifier and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation message further allows the user to determine whether to retrieve the second advertiser information, as disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency/effectiveness of the system by allowing users to narrow their search to find exactly what they're looking for.

64. As per Claims 63-66, Schultz, CellPoint, and Burnett fail to disclose wherein the process presents the selected one or more advertiser entries in a manner that the advertiser entries of the first subset are presented prior to the advertiser entries of the second subset.
65. However, as explained above for independent Claims 15, 26, 44, and 51, Schultz discloses searching a GIS-based search engine to create a “yellow page reference” (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.
66. As per **independent Claim 62**, Schultz discloses a system for providing location-based yellow pages information, the system comprising: a processor; a yellow page database coupled to the processor, the yellow page database including a plurality of advertiser entries, wherein the plurality of advertiser entries includes a set of advertiser entries, each advertiser entry of the set of advertiser entries includes advertise location information; and a memory coupled to the processor, the memory storing a plurality of instructions configured to be executed by the processor, the plurality of instructions including location-based yellow pages database access instructions (abstract, Para 0016, claims 27-35), and wherein the processor is configured to receive a request for yellow page information from a user, the request including at least one of a user location information, a user selected advertiser category and a user selected advertiser subcategory (Para 0041); based on the request received from the

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user, retrieve one or more advertiser entries from the yellow page information database (Para 0016-0024, Para 0040-0043, Claims 27-35); determine a location relationship between the user and each advertiser associated with each retrieved advertiser entry from a set of advertiser entries using the user measured location information and the advertiser measured location information and sort retrieved advertiser entries based on this location relationship; and forward the retrieved one or more advertiser entries for presentation (abstract, Para 0042-0044, Fig.2) and data indicating the distance between a user location and an advertiser location presented according to a distance identifier selected from the distance selection options (Para 0049, Sorting criteria selected by user – distance, time, etc.).

67. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information but includes general designated area information, and wherein the list of advertiser information from the first set of advertiser entries including advertiser location information is presented prior to presenting a list of advertiser information from the second set of advertiser entries lacking advertiser location information.
68. However, Schultz discloses searching a GIS-based search engine to create a “yellow page reference” (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (Para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior



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art mobile fluid carrying unit would have been obvious if this feature was not desired.); and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

69. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system.

70. However, CellPoint teaches being “automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc.” (“CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones,” Business Wire, June 29, 2000).

71. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

72. Finally, while Schultz does disclose providing the user with distance selection options for presenting distance information as *one of the following*: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and CellPoint fail to expressly disclose responding to the request, returning a confirmation query to the user, wherein the confirmation query confirms the user selected advertiser category and the user selected advertiser subcategory, and allows the user to refine the selection of the category and the sub-category, and the confirmation query allows the user to indicate a desire to retrieve advertiser entries from the second subset of advertiser entries.
73. Burnett discloses a yellow page type search system, which allows the user to confirm search results and further refine their search (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and Para 0357-0364).
74. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included responding to the request, returning a confirmation query to the user, wherein the confirmation query confirms the user selected advertiser category and the user selected advertiser subcategory, and allows the user to refine the selection of the category and the sub-category (inherent), and the confirmation query allows the user to determine whether to retrieve advertiser entries from the second subset of advertiser entries, as disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency/effectiveness of the system by allowing users to narrow their search to find exactly what they're looking for.

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75. As per new Claims 69-75, Schultz, CellPoint, and Burnett disclose wherein the processor is further configured to generate the estimated distance using the distance identifier selected from the distance options (Para 0049).
76. **Claims 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. in view of CellPoint, in view of Burnett, and further in view of Chan et al. (US 200200688585 A1).**
77. As per Claim 67, Schultz, CellPoint, and Burnett discloses wherein the processor is further configured to determine and forward for presentation the time or distance requires for the user to travel from the user measured location to the advertiser measured location
78. However, Schultz, CellPoint, and Burnett fail to expressly disclose utilizing altitude information as the third dimension of the advertiser measured location information.
79. Chan discloses utilizing altitude information as the third dimension of the advertiser measured location information (Para 0137).
80. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included utilizing altitude information as the third dimension of the advertiser measured location information, as disclosed by Chan, in the system disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information multi-dimensionally.
81. As per Claim 68, Schultz, CellPoint, and Burnett fail to expressly disclose wherein determining distance data between the user measured location information and the advertiser

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measured location information of the selected one or more advertiser entries comprises utilizing altitude information as a third dimension of the advertiser measured location information.

82. Chan discloses utilizing altitude information as the third dimension of the advertiser measured location information (Para 0137).

83. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein determining distance data between the user measured location information and the advertiser measured location information of the selected one or more advertiser entries comprises utilizing altitude information as a third dimension of the advertiser measured location information, as disclosed by Chan, in the system disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Schultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information multi-dimensionally.

#### ***Response to Arguments***

84. Applicant's arguments filed 9/30/2005, with respect to Claims 3, 10-15, 18-40, 42, 44-47, and 51-75, have been considered, but are not persuasive. The rejection will remain as Non-Final, based on the cited prior art.

85. The Applicant has made the argument that the prior art fails to expressly disclose providing the user with distance selection options for presenting distance information as *one of the*

*following*: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking.

86. However, Schultz does disclose wherein the user determines a sort criteria based on distance, time, etc. (Para 0049), which would equate to presenting distance information as: absolute distance and/or distance in time when driving (common measurement for time is mapping systems).

### ***Conclusion***

87. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

88. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

89. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

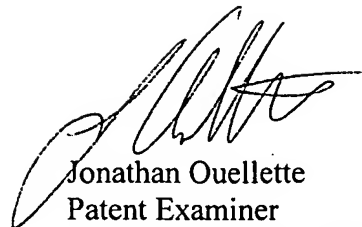
90. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

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December 8, 2005

A handwritten signature in black ink, appearing to read 'Jonathan Ouellette', is written over the printed name.

Jonathan Ouellette  
Patent Examiner  
Technology Center 3600